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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA,

Plaintiff,

v.

**CAMBRIDGE-LEE INDUSTRIES,
LLC., CLARKE AMERICAN CHECKS,
INC., COOKSON AMERICA, INC.,
DELUXE CORPORATION, JOHN H.
HARLAND COMPANY, and
METALLIX, INC., et al.,**

Defendants.

Civil Action No.

Judge

COMPLAINT

COMPLAINT

1. The United States of America, by authority of the Attorney General of the United States and through the undersigned attorneys, acting at the request of the United States Environmental Protection Agency ("EPA"), files this Complaint and alleges as follows:

STATEMENT OF THE CASE

2. This is a civil action for recovery of response costs pursuant to Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9607(a). The United States seeks recovery from the herein named defendants ("Defendants") of costs incurred and to be incurred by the United States in response to releases or threatened releases of hazardous substances at or from the Pittsburgh Metal and Equipment Site in Jersey City, Hudson County, New Jersey ("the Site").

JURISDICTION AND VENUE

3. This Court has jurisdiction over the subject matter of this action pursuant to Sections 107(a) and 113(b) of CERCLA, 42 U.S.C. §§ 9607(a) and 9613(b), and 28 U.S.C. §§ 1331 and 1345.

4. Venue is proper in this judicial district pursuant to Section 113(b) of CERCLA, 42 U.S.C. § 9613(b), and 28 U.S.C. § 1391(b) and (c), because the claims arose, and the releases or threatened releases of hazardous substances occurred, in this district.

DEFENDANTS

5. Defendant Cambridge-Lee Industries, LLC, a successor-by-merger to Cambridge-Lee Industries, Inc., is a corporation organized and existing under the laws of Delaware, with its principal place of business at 86 Tube Drive, Reading, Pennsylvania 19605. Predecessor

Cambridge-Lee Industries, Inc. ("Cambridge-Lee") was a Massachusetts corporation. At times material hereto, Cambridge-Lee has done business in this judicial district and arranged for the disposal or treatment at the Site, or arranged with a transporter for the disposal or treatment at the Site, of wastes that included hazardous substances.

6. Defendant Clarke American Checks, Inc., formerly known as Clarke Checks, Inc., and including Rudco Industries through acquisition by Clarke Checks, Inc., and American Bank Stationery (The ABS Corporation) through a merger with a Clarke Checks, Inc. affiliate (collectively "Clarke American"), is a corporation organized and existing under the laws of Delaware with its principal place of business at 10931 Laureate Drive, San Antonio, Texas 78249. At times material hereto, Clarke American has done business in this judicial district and arranged for the disposal or treatment at the Site, or arranged with a transporter for the disposal or treatment at the Site, of wastes that included hazardous substances.

7. Defendant Cookson America, Inc. ("Cookson") is a corporation organized and existing under the laws of Delaware, with its principal place of business at One Cookson Place, Providence, Rhode Island 02903. At times material hereto, Cookson has done business in this judicial district and arranged for the disposal or treatment at the Site, or arranged with a transporter for the disposal or treatment at the Site, of wastes that included hazardous substances.

8. Defendant Fry's Metals, Inc. ("Fry's") is a subsidiary of Cookson, doing business as Alpha Metals, Inc., and is a corporation organized and existing under the laws of Delaware, with its principal place of business at 600 Route 440, Jersey City, New Jersey 07304. At times material hereto, Fry's has done business in this judicial district and arranged for the disposal or

treatment at the Site, or arranged with a transporter for the disposal or treatment at the Site, of wastes that included hazardous substances.

9. Defendant Olin Corporation, as successor to A.J. Oster Company, a former subsidiary of Cookson ("Olin"), is a corporation organized and existing under the laws of Virginia, with its principal place of business at 190 Carondelet Plaza, Suite 1530, Clayton, Missouri 63105-1400. At times material hereto, Olin has done business in this judicial district and arranged for the disposal or treatment at the Site, or arranged with a transporter for the disposal or treatment at the Site, of wastes that included hazardous substances.

10. Deluxe Corporation, formerly known as Deluxe Check Printers, Incorporated, and including its subsidiaries Deluxe Financial Services, Inc. and Deluxe Manufacturing Operations, Inc. (collectively "Deluxe"), is a corporation organized and existing under the laws of Minnesota, with its principal place of business at 3630 Victoria Street North, Shoreview, Minnesota 55126. At times material hereto, Deluxe has done business in this judicial district and arranged for the disposal or treatment at the Site, or arranged with a transporter for the disposal or treatment at the Site, of wastes that included hazardous substances.

11. Defendant John H. Harland Company ("Harland") is a corporation organized and existing under the laws of Georgia, with its principal place of business at 2939 Miller Road, Decatur, Georgia 30035. At times material hereto, Harland has done business in this judicial district and arranged for the disposal or treatment at the Site, or arranged with a transporter for the disposal or treatment at the Site, of wastes that included hazardous substances.

12. Defendant Metallix Inc., formerly doing business as RFE Industries, Inc. (“Metallix”), is a corporation organized and existing under the laws of New Jersey, with its principal place of business at 64C Bridge Avenue, Red Bank, New Jersey 07701. At times material hereto, Metallix has done business in this judicial district and arranged for the disposal or treatment at the Site, or arranged with a transporter for the disposal or treatment at the Site, of wastes that included hazardous substances.

GENERAL ALLEGATIONS

Site Description and Background

13. The Site encompasses approximately 1.25 acres, and is located at the end of Aetna Street, in Jersey City, New Jersey, and is further generally identified as Block No. 2145, Lot No. 41.T and Block No. 60, Lot No. 19-G.

14. Pittsburgh Metal & Equipment (“Pittsburgh Metals”) was a secondary lead smelter that operated at the Site for several decades. Pittsburgh Metals produced and reprocessed linotype metals for the printing industry and reprocessed other metals for commercial clients from approximately 1963 through 1998.

15. The operations at the Site resulted in extensive soil contamination from air emissions and material handling, as well as air contamination and contamination of the nearby Mill Creek, with contaminants of concern including lead, cadmium, antimony, beryllium, copper, nickel, silver, zinc and polychlorinated biphenyls (“PCBs”). EPA confirmed contamination at the Site as high as 15% lead in the top two feet of soil.

16. The Site posed a health threat, through inhalation and ingestion, to persons that used the property and that worked in the area. The contamination in the building posed similar

threats to persons entering the building and posed a threat of release to the area outside of the building.

17. The contamination, including the substances listed in Paragraph 15 herein, includes hazardous substances within the meaning of Sections 101(14) and 107(a) of CERCLA, 42 U.S.C. §§ 9601(14), 9607(1).

EPA Site Cleanup and Enforcement Activities

18. As a result of these findings, EPA performed a Removal Action at the Site. Approximately 11,478 tons of hazardous soils were shipped from the Site for treatment and disposal off-site. Backfilling and grading activities were completed at the end of the excavation. Slag from the interior of the building was removed and the exhaust stack was disassembled and taken for disposal with other hazardous materials found in the buildings. Drums of waste found in the buildings and in other locations on-site, including corrosive liquids and solids and flammable liquids, were removed for disposal. The interiors of the buildings were vacuumed and pressure washed. This activity generated 7,675 gallons of wastewater which was shipped off-site and treated as a hazardous liquid.

19. EPA has incurred at least approximately \$4,911,791 in unreimbursed response costs at the Site through September 2005.

SPECIFIC ALLEGATIONS

20. The United States realleges and incorporates Paragraphs 1 through 19 as if fully set forth herein.

21. The Site is a location where hazardous substances have been deposited, stored, disposed of, placed or otherwise come to be located, and thus is a "facility" within the meaning of Section 101(9) of CERCLA, 42 U.S.C. § 9601(9).

22. There have been "releases" or "threatened releases" of "hazardous substances," within the meaning of Sections 101(14), 101(22) and 107(a) of CERCLA, 42 U.S.C. §§ 9601(14), 9601(22) and 9607(a), into the environment at and from the Site.

23. Each Defendant in this action is a "person," within the meaning of Sections 101(21) and 107(a) of CERCLA, 42 U.S.C. §§ 9601(21) and 9607(a).

24. Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), provides, in relevant part:

Notwithstanding any other provision or rule of law, and subject only to the defenses set forth in subsection (b) of this Section –

(1) the owner and operator of a vessel or facility,

(2) any person who at the time of disposal of any hazardous substance owned or operated any facility at which such hazardous substances were disposed of,

(3) any person who by contract, agreement, or otherwise arranged for disposal or treatment, or arranged with a transporter for transport for disposal or treatment, of hazardous substances owned or possessed by such person, by any other party or entity, at any facility or incineration vessel owned or operated by another party or entity and containing such hazardous substances, and

(4) any person who accepts or accepted any hazardous substances for transport to disposal or treatment facilities, incineration vessels or sites selected by such person, from which there is a release, or a threatened release which causes the incurrence of response costs, of a hazardous substance, shall be liable for--

(A) all costs of removal or remedial action incurred by the United States Government . . . not inconsistent with the national contingency plan;

....

The amounts recoverable in an action under this section shall include interest on the amounts recoverable under subparagraphs (A) through (D)

....

Id.

25. Defendants Cambridge-Lee, Clarke American, Cookson America, Fry's, Olin, Deluxe, Harland, and Metallix, "arranged for disposal or treatment, or arranged with a transporter for transport for disposal or treatment" of hazardous substances at the Site within the meaning of Section 107(a)(3) of CERCLA, 42 U.S.C. § 9607(a)(3).

26. As of September 2005, the United States has incurred at least \$4,911,791 in unreimbursed "response" costs, within the meaning of Section 101(25) of CERCLA, 42 U.S.C. § 9601(25), excluding interest, related to the release or threatened release at the Site of hazardous substances, and the United States has and will continue to incur such costs.

27. The response costs related to the Site which were incurred by the United States are not inconsistent with the National Oil and Hazardous Substances Pollution Contingency Plan, under Section 107(a) of CERCLA, 42 U.S.C. § 9607(a) and 40 C.F.R. Part 300.

28. Pursuant to Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), all herein-named Defendants are jointly and severally liable to the United States for response costs incurred by the United States with respect to the Site.

29. Pursuant to Section 113(g)(2) of CERCLA, 42 U.S.C. § 9613(g)(2), the United States is entitled to a declaratory judgment that all herein-named Defendants are jointly and severally liable to the United States, under Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), for future response costs to be incurred by the United States with respect to the Site not inconsistent with the NCP.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff United States of America prays that this Court:

- A. Enter judgment in favor of the United States, pursuant to Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), holding all herein-named Defendants jointly and severally liable for unrecovered costs incurred by the United States with respect to the Site, plus interest thereon;
- B. Enter a declaratory judgment, pursuant to Section 113(g)(2) of CERCLA, 42 U.S.C. § 9613(g)(2), that all herein-named Defendants are jointly and severally liable to the United States for future response costs to be incurred by the United States with respect to the Site not inconsistent with the NCP, plus interest thereon;
- C. Award the United States its costs of this action; and
- D. Grant the United States such other and further relief as the Court deems just and proper.

Dated: _____

Respectfully submitted,

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